

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RLI INSURANCE COMPANY/ )  
PLAINTIFF/COUNTERCLAIM )  
DEFENDANT )

vs. )  
TOWN OF MOSSES, ALABAMA, and )  
ALICIA SHUFORD-GORDON, )  
Defendants. )

Case No.: 2:07-cv-00230-WKW-SRW

MOTION TO COMPEL

Comes Now the Plaintiff, RLI Insurance Company, a corporation, moves this Court to enter an Order compelling Defendant to respond to Rule 26(a)(1) of the Federal Rules of Civil Procedure. For grounds thereof, RLI shows unto the Court as follows:

1. On or about June 12, 2007, the parties referenced above filed a Report of Parties Discovery Planning Meeting according to Federal Rule of Civil Procedure 26(f) (Exhibit A attached).

2. As part of the Report of Parties Discovery Planning Meeting, the parties agreed that they would exchange by June 25, 2007, the information required by Federal Rule of Civil Procedure 26(a)(1).

3. On July 10, 2007, counsel for RLI Insurance Company wrote counsel for the Defendant requesting that they provide responses pursuant to the Report of Parties Discovery Planning Meeting (Exhibit B attached).

4. To date, the Defendant has failed or refused to comply with Rule 26(a)(1) or produce the initial disclosures.

WHEREFORE, PREMISES CONSIDERED, this Plaintiff requests this Court to enter an Order compelling the Defendant to respond to and fulfill their pre-discovery disclosure duties as mandated by Federal Rule of Civil Procedure 26(a)(1).

Respectfully submitted,

/s/ Eris Bryan Paul  
ERIS BRYAN PAUL (PAU014)  
Attorney for the Plaintiff/Counterclaim  
Defendant

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.  
2000 Interstate Park Drive, Suite 204  
Post Office Box 2148  
Montgomery, Alabama 36102-2148  
Phone: (334) 387-7680  
Fax: (334) 387-3222

**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2007, I electronically filed the foregoing with the Clerk of the Court, using the ALAFILE system which will send notification of such filing to the following registered persons and that those persons not registered with the ALAFILE system were served by U.S. mail:

Town of Mosses  
Attn: Town Clerk  
Post Office Box 296  
Hayneville, AL 36040

Eris Bryan Paul  
Ball, Ball, Matthews & Novak, P.A.  
Post Office Box 2148  
Montgomery, AL 36102-2148

/s/ Eris Bryan Paul  
OF COUNSEL

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Defendants. )

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REPORT OF PARTIES DISCOVERY PLANNING MEETING

1. Pursuant to Fed. R. Civ. P., 26(f), a meeting was held by telephone conference between Eris Bryan Paul, Counsel for the Plaintiff, Collins Pettaway, Jr., Counsel for the Defendant, Town of Mosses and Alica Shuford-Gordon.

2. Pre-Discovery Disclosures. The parties will exchange by June 25, 2007, the information required by Fed. R. Civ. P. 26(a)(1).

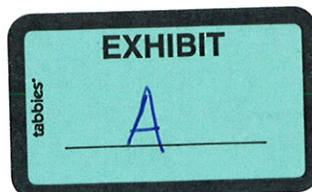
3. Discovery Plan. The parties jointly propose to the Court the following discovery plan.

A. Discovery will be needed on the following subjects: Plaintiff's claims and Defendant's defenses;

B. All discovery shall be commenced in time to be completed by February 29, 2008;

C. A maximum of 40 interrogatories by each party to the other party;

D. A maximum of 20 requests for admissions by each party to the other party;



E. A maximum of 40 requests for production by each party to any other party;

F. A maximum of 5 depositions by Plaintiff and 5 depositions by Defendant;

G. Reports from retained experts under Rule 26(a)(2) shall be due:

From Plaintiff by December 8, 2007;

From Defendant by January 8, 2008;

H. Supplementations under Rule 26(e) due 30 days after receipt of information.

4. Other items:

A. The parties do not request a telephone conference with the Court before entry of the scheduling order.

B. The parties request a pretrial conference in May, 2008.

C. Plaintiff should be allowed until September 29, 2007, to join additional parties and to amend the pleadings.

D. Defendant should be allowed until October 29, 2007, to join additional parties to amend the pleadings.

E. All potentially dispositive motions should be filed by January 8, 2008, Settlement cannot be evaluated prior to the close of discovery.

F. Final lists of witnesses and exhibits shall be due 21 days before trial.

G. Parties shall have 10 days after service of final lists of witnesses and exhibits to list objections.

H. The case should be ready for trial by July 14, 2008, and at this time is expected to take approximately 2 days.

5. Counsel for the Plaintiff is filing this report electronically. Said counsel has permission from Defense counsel Collins Pettaway and Defendant Alicia Shuford-Gordon to affix their electronic signatures. Non-electronic signatures will be maintained by all parties to this action but will not be filed with the Court.

/s/ Eris Bryan Paul  
ERIS BRYAN PAUL ASB-6350-S81P  
Attorney for the Plaintiff, RLI Insurance Company

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/s/ Collins Pettaway  
COLLINS PETTAWAY ASB-9796-W74C  
Attorney for the Defendant, Town of Mosses

OF COUNSEL:  
Chestnut, Sanders & Pettaway  
Post Office Box 1305  
Selma, Alabama 36702

/s/ Alicia Shuford-Gordon  
ALICIA SHUFORD-GORDON  
Pro Se

**Bryan Paul**

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**From:** <efile\_notice@almd.uscourts.gov>  
**To:** <almd\_mailout@almd.uscourts.gov>  
**Sent:** Tuesday, June 12, 2007 3:28 PM  
**Subject:** Activity in Case 2:07-cv-00230-WKW-SRW RLI Insurance Company v. Town of Mosses, Alabama et al "Notice of Correction"

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**U.S. District Court**

**Alabama Middle District**

**Notice of Electronic Filing**

The following transaction was received from wcl, entered on 6/12/2007 at 3:28 PM CDT and filed on 6/12/2007

**Case Name:** RLI Insurance Company v. Town of Mosses, Alabama et al

**Case Number:** 2:07-cv-230

**Filer:**

**Document Number:** 12

**Docket Text:**

NOTICE of Correction re [11] Report of Rule 26(f) Planning Meeting to attach correct PDF document. (Attachments: # (1) Corrected Main Document to Docket Entry [11]) (wcl, )

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1053018227 [Date=6/12/2007] [FileNumber=740117-0]  
[38580cce404132a472164d9a0b86596c1bc1d1c59842996009983164298b85d25791  
62bf07e62c5013db9bf3c477dc7625be980f06fd16b1b528ccbfb8d1f8a1]]

**Document description:** Corrected Main Document to Docket Entry [11]

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1053018227 [Date=6/12/2007] [FileNumber=740117-1]  
[72d06827d6e43f6650332d0371dae57dd9df7c8994b7533a558d41d6d53a76d1d902  
56b165656446ce25cc9412a36ab73cd618a63e92fed6021fd29d90f029ef]]

**2:07-cv-230 Notice will be electronically mailed to:**

Eris Bryan Paul    bpaul@ball-ball.com, asnider@ball-ball.com

Collins Pettaway , Jr    cpettaway@csspca.com, atyre@csspca.com

**2:07-cv-230 Notice will be delivered by other means to:**

Alicia Shuford-Gordon  
124 Chisolm Street  
Hayneville, AL 36040



\*\*\*\*\*  
 \*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

JOB NO. 4289  
 DESTINATION ADDRESS 98759853  
 PSWD/SUBADDRESS  
 DESTINATION ID  
 ST. TIME 07/10 17:14  
 USAGE T 00' 19  
 PGS. 1  
 RESULT OK

BALL, BALL, MATTHEWS & NOVAK, P.A.

ATTORNEYS AT LAW

EST. 1891

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 TABOR R. NOVAK, JR.  
 CLYDE C. OWEN, JR.  
 C. WINSTON SHEEHAN, JR.  
 WILLIAM H. BRITTAIN II  
 E. HAMILTON WILSON, JR.  
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July 10, 2007

Collins Pettaway, Esq.  
 Chestnut Sanders & Pettaway  
 P. O. Box 1305  
 Selma, AL 36702

VIA TELEFAX AND E-MAIL  
 334-875-9853  
 cpettaway@ccspca.com

RE: RLI Insurance Company vs. Town of Mosses  
 Case No.: 2:07-cv-00230-WKW-SRW  
 United States District Court, M.D. Alabama, Northern Div.

Dear Collins:

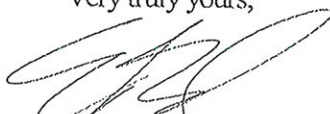
Allow me to attempt to resolve a discovery issue. It has come to my attention that your initial pre-discovery disclosures required by Federal Rule of Civil Procedure 26(a)1 are now over two weeks late. According to the Report of Parties Discovery Planning Meeting, we were to exchange this information by June 25, 2007. Please have this information to me by within next seven days or I will be forced to file a Motion to Compel with the Court.

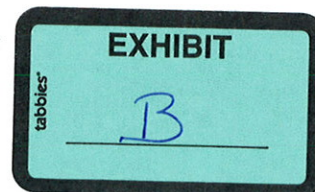
On another issue, please give me some dates when your client may be available for deposition. I wish to depose the 30(b)6 representative of the Town of Mosses and any individual likely to have discoverable information which the Town may use to support its claims or defenses.

Thank you for your attention in this matter. I look forward to your response.

With warmest regards, I am

Very truly yours,

  
 Eris Bryan Paul



BALL, BALL, MATTHEWS & NOVAK, P.A.

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July 10, 2007

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cpettaway@ccspca.com

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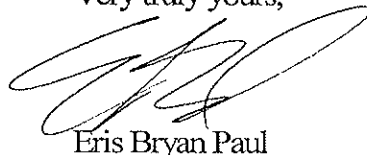
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EBP/as

Enclosure